New Employee Verification Act of 2009

Electronic Employment Verification System Appeals Process

Employee Receives 'Initial Disapproval'

Within 3 business days of receiving an initial disapproval from the system, the employer must notify the employee in writing of the disapproval.

Contest

The employee has 10 business days to contest the disapproval and provide needed information under procedures established by the Commissioner.

Approval or Disapproval

Not later than 10 business days after the date the individual contests their initial disapproval, the employer will receive an approval or disapproval notice.

No Contest

If the employee chooses not to contest within 10 business days of being notified, the initial disapproval is final and employment is terminated.

Administrative Review

Those terminated from employment may file an administrative appeal within 30 days of termination. U.S. citizens will appeal through the SSA, and aliens will appeal through the DHS. Compensation for lost wages will be provided for erroneous disapprovals caused by a negligent, reckless, willful, or malicious act of the government and not the result of an act or omission of the employee.

Judicial Review

An individual may file for a judicial review no later than 30 days following a final determination of an administrative review. Compensation for lost wages shall also be available, under the same restrictions as available for administrative review, following a final determination of the court.